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February 22, 2023

**Via ECF**

Hon. James M. Wicks  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Volpe v. Ryder, et al.  
Docket No.: 19-cv-02236 (JMW)**

Dear Magistrate Judge Wicks:

We represent defendants Patrick Ryder, Commissioner of the Nassau County Police Department, in his official and individual capacities; Russell Sacks, Sergeant in the Nassau County Police Department, in his individual capacity; Joseph Massaro, Lieutenant in the Nassau County Police Department, in his individual capacity; and the County of Nassau (collectively "defendants") in this action. As you may recall, pursuant to the Consent to Jurisdiction by U.S. Magistrate Judge signed and filed by counsel for the parties and Docket Entry No. 131 this matter has been reassigned from Judge Joan M. Azrack to you for all proceedings.

In accordance with Rule D.1. of your Individual Practice Rules, we write to inform you that after careful and considered review of the developed record and indisputable evidence in this matter, defendants renew their intent (previously made to Judge Joan M. Azrack) to make a Rule 56 summary judgment motion to dismiss plaintiff Charles Volpe's ("plaintiff") sole claim against defendants, as we do not believe that there are any genuine disputes as to any material fact, and thus dispose of this matter.

After consultation with plaintiff's counsel, Gina M. Arnedos, Esq. we propose the following briefing schedule: Defendants' moving papers are to be served by March 31, 2023. Plaintiff's opposition papers are to be served by April 28, 2023. Defendants' reply

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papers are to be served by May 19, 2023.

Thank you for your attention.

Very truly yours,

*/s/ Scott M. Karson*  
Scott M. Karson

SMK:vs

cc: Gina M. Arnedos, Esq. (Via ECF)

Briefing schedule is adopted. The parties shall submit to chambers copy copies of the motion papers at time of service. The full set of motion papers shall be "bundle-filed" on May 19, 2023. Oral argument on the motion will be held in person in courtroom 1020 on June 23, 2023 at 10 AM.

SO ORDERED:
<i>/s/ James M. Wicks</i>
James M. Wicks, USMJ
Dated: <u>2-22-2023</u>
Central Islip, NY